REMARKS

Favorable reconsideration in view of the previous amendments and following remarks is respectfully requested. Claims 1, 3-7, 9-13, 15-20, and 22-29 are pending. By this Amendment new claim 29 is added.

The Office Action rejects claims 1, 3, 5-7, 9, 11-13, 15, 17-20, 22 and 24-28 under 35 U.S.C. §103(a) over U.S. Patent No. 6,577,746 to Evans et al. in view of U.S. Patent No. 5,987,127 to Ikenoue et al.; and rejects claims 4, 10, 16 and 23 under 35 U.S.C. § 103(a) over Evans, Ikenoue and further in view of U.S. Patent No. 3,760,159 to Davis. These rejections are respectfully traversed.

Applicants' independent claim 1 is directed to an image processing apparatus including detecting unit that detects all pieces of additional information that are embedded in image data. A storage unit stores the detected pieces of additional information in association with location information thereof. An analyzing unit analyzes the detected pieces of additional information and judges whether any of the detected pieces of additional information include predetermined information that is updatable. When a judgment result of the analyzing unit is affirmative, an embedding unit updates the predetermined information included in the piece of additional information and embeds the piece of additional information including the updated predetermined information into the image data at a location where the piece of additional information is originally embedded by referring to the stored location information. When the judgment result of the analyzing unit is negative, the embedding unite embeds a new piece of additional information including updated information into the image data at a location that does not overlap locations where

the detected pieces of additional information are embedded by referring to the stored location information.

The Examiner continues to take the position that the claimed additional information corresponds to *Evans* watermark. The Examiner alleges that column 2, lines 25 – 30 and 61 – 65, of *Evans* describes the storage unit in claim 1 that stores the detected pieces of additional information in association with the location information. The Examiner appears to agree that the location information of claim 1 refers to the location of where the additional information is embedded in the image data.

However, in *Evans*, the watermark contains image data, and the image data from the watermark is used to form an image in the document to be reproduced. The "location information" referred to in *Evans* concerns the location (size, rotation, etc.) where the imported image is to be inserted into the original image. It does not concern the location of where the watermark itself is embedded in the image data. Accordingly, *Evans* does not teach or suggest the claimed storage unit that stores the detected pieces of additional information in association with location information thereof. The "location" referred to in *Evans* is the location where image data contained in the watermark is subsequently to be inserted into the document. That section of *Evans* does not indicate that the watermark includes storage information concerning the location of where the watermark is embedded in the image data.

With regard to column 2, lines 62 – 65, of *Evans*, Applicants submit that this teaches that the watermark detector discerns the placement of the imported image within the original image, not the location of the watermark itself. Accordingly, *Evans*

does not teach or suggest the claimed storage unit. Neither *Evans* nor *Ikenoue* discloses that subject matter, either separately or in combination.

Applicants' respectfully traverse the Examiner's assertion, in paragraph 3 of the Office Action, that Evans teaches that the watermark location is directly related to the location of the imported image. Applicants believe that this assertion is unsupported by the disclosure of Evans. In the event that the Examiner continues to maintain this assertion, Applicants respectfully request that the Examiner point out with particularity where this feature is disclosed so that Applicants may prepare a suitable response.

Claims 7, 13, 20 and 26-28 are allowable for similar reasons as claim 1 with regard to similar claim language.

Applicants' new independent claim 29 recites, in combination with other claimed features, an image processing apparatus including a storage unit that stores detected pieces of additional information and stores location information indicating the location of where the detected pieces of additional information are embedded within image data. An analyzing unit analyzes the detected pieces of additional information and judges whether any of the detected pieces of additional information include predetermined information that is updatable. When a judgment result of the analyzing unit is affirmative, an embedding unit updates the predetermined information included in the piece of additional information and embeds the piece of additional information including the updated predetermined information into the image data at the location where the piece of additional information is originally embedded by referring to the stored location information. When the judgment result of the analyzing unit is negative, the embedding unite embeds a new piece of

additional information including updated information into the image data at a location that does not overlap locations where the detected pieces of additional information are embedded by referring to the stored location information.

In paragraph 2 of the Office Action, the Examiner states that he considers the detected image in Evans, along with the watermark and watermark ID embedded in the detected image to be additional information. In Applicants' claim 29, the storage unit also stores location information indicating the location of where the detected pieces of additional information are embedded within the image data.

Column 2, lines 25-30 of Evans relates to a digital object indexed by the watermark stored within a database. Thus, at least the detected image and watermark ID do not relate to the location information of where detected pieces of additional information are embedded within image data.

The Office Action recognizes that Evans does not expressly disclose that an embedding unit embeds, when a judgment result of the analyzing unit is negative, a new piece of additional information including updated information into the first image data at a location that does not overlap locations where the detected pieces of additional information are embedded by referring to the stored location information. The Examiner argues that Ikenoue's disclosure at column 6, lines 33-47 of new information added where there is no information for each new generation copy code when each generation of a copy is made, must be in new locations because older generation codes already exist at their respective locations, or there is no copy code if copy is first generation.

However, Ikenoue states if a generation code is not included in the image data produced from a source, data on the generation code is always added when a

copy is produced, while if a source of the document 103 already includes a generation code, a new modified generation code is added in subsequent hard copies. Thus, the Examiner appears to be asserting that if a source of the document already includes a generation code, then the new modified generation code must be in a new location since older generation codes already exist at the respective locations. However, this does not relate to where the claimed analyzing unit judges that any of the detected pieces of additional information does not include predetermined information that is updatable. If the Examiner alleges that "when the generation code is not included in the image data" corresponds to "judging that the detected pieces of additional information include predetermined information that is not updatable" then, there is no disclosure in, nor is it necessary for, Ikenoue to determine or refer to stored location information of the pieces of additional information. If a generation code is not included in the image data then there simply is no additional information. In the instance where there is no generation code there will be no older generation code and therefore there is no reason to refer to the stored location of the older generation code, and no reason to embed the new generation code at a location that does not overlap the old generation code.

Thus, Evans and Ikenoue, either alone or in combination, do not disclose, in combination with the other claimed features of claim 29, embedding, when the judgment result of the analyzing unit is negative, a new piece of additional information including updated information into the image data at a location that does not overlap locations where the detected pieces of additional information are embedded, by referring to the stored location information.

Claims 3, 5, 6, 9, 11, 12, 15, 17-19, 22, 24 and 25 are allowable at least by virtue of the dependence from allowable independent claims.

Regarding claims 4, 10, 16, 23, Davis does not overcome the deficiencies of the rejections of independent claims from which claims 4, 10, 16 and 23 depend. For at least that reason they are allowable too.
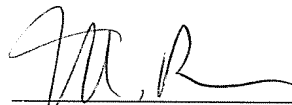
Early and favorable action with respect to this application is respectfully requested. Should any questions arise in connection with this application should the Examiner believe that a telephone conference with the undersigned would be helpful in resolving any remaining issues pertaining to this application, the undersigned respectfully requests that he be contacted at the number indicated below.

Respectfully submitted,

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